



Appeal Decision

Site visit made on 9 October 2023

by Caroline Mulloy BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 December 2023

Appeal Ref: APP/V0728/W/23/3319095

Land to rear of 44 Westfield Avenue, Redcar TS10 1HG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Darren Wheeler against the decision of Redcar & Cleveland Borough Council.
 - The application Ref R/2022/0666/RS, dated 29 October 2022, was refused by notice dated 2 February 2023.
 - The development proposed is demolition of garages and replace with 2 no detached dwellings.
-

Decision

1. The appeal is allowed and planning permission is granted for demolition of garages and replace with 2 no detached dwellings at land to the rear of 44 Westfield Avenue, Redcar TS10 1HG in accordance with the terms of the application, Ref R/2022/0666/RS, dated 29 October 2022, and the plans submitted with it, subject to the conditions on the attached schedule.

Procedural Matter

2. I have taken the address from the decision notice and appeal form, as opposed to the application form, in the banner heading above as it more accurately reflects the location of the appeal site.

Main Issue

3. The main issue in this case is the effect of the proposal on highway safety with specific reference to the access.

Reasons

4. The appeal site is situated to the rear of 44 Westfield Avenue in a predominately residential area. The land currently accommodates garages. The proposal seeks to demolish the existing garages and erect 2 dwellings.
5. The sole access would be along an unmade, private lane of around 111m in length which links to West Dyke Road to the east. The track provides access to the rear of some of the properties and around 10 garages on Easson Road. The access lane is around 4.65 -4.8m at its minimum width; however, vegetation at the side of the track reduces the width to a degree. The track widens out at the appeal site to around 6.4m with the existing garages set back from the road.
6. Concerns are raised about the inability for two cars to pass on the track with the potential for vehicles having to reverse onto West Dyke Road, a busy road leading into the centre of Redcar. However, I note that Appendix 5.5 of the 'Design Guide

and Specification (DGS) – Residential and Industrial Estates Development’ (2021) indicates a minimum constricted carriageway width of 4.1m for a shared surface. As the minimum width of the track is around 4.65m there is a technical possibility that two cars could pass each other for the full length of the lane. I note that the Council’s Highway Department have not objected to the proposal and state that two cars can pass along the lane.

7. The lane is unadopted and comprises of mainly compacted gravel; however, I acknowledge that there is vegetation to each side of the lane. On the narrower sections of the lane it would, therefore, be difficult for two cars to pass each other without overrunning the vegetation. However, the lane widens out at the appeal site and remains at least this width to the top of the lane. So even if two cars could not pass at the narrow section, they would be able to pass further up. A vehicle exiting the lane would reverse to the wider part of the lane, enabling a car to pass there, thus avoiding the need for a vehicle to reverse onto West Dyke Road. Whilst the lane is long, it is essentially straight providing excellent visibility for drivers.
8. Concerns have also been raised regarding the ability of refuse lorries and emergency vehicles to be able to access the proposed development. The appellant clarifies in submissions that the bins would be collected from Westfield Avenue, not the back lane, so there would be no need for refuse lorries to access the lane.
9. In relation to emergency vehicles the DGS requires a 3.7m carriageway (kerb to kerb) for operating space at the scene of a fire. Simply to reach a fire, the access route could be reduced to 3.1m over short distances provided the pump appliance can get to within 45m of dwelling entrances. Paragraph 6.7.3 advises that the access route could be reduced to 2.75m over short distances. Consequently, the minimum distances for emergency vehicles would be met.
10. There was one car parked at the top end of the lane at the time of my site visit (1100) and no vehicles used the lane during my site visit. Furthermore, there were only around ten garage doors backing onto the lane. Consequently, the frequency of existing vehicular movements is low.
11. The proposed development for two dwellings would not generate significant vehicular movement. Furthermore, the garages are currently used as a builder’s lock-up and so the proposed development may generate less traffic than at present. Moreover, any vehicles using the lane, including any heavier vehicles, such as during construction, would be moving very slowly. Overall, given the low level of the existing and proposed use of the lane together with the slow movement of vehicles and excellent visibility, I consider that the risk of vehicular or pedestrian conflict would be very low.
12. In conclusion, the proposal would not cause harm to highway safety with regards to the access. It would not, therefore, conflict with part p of Policy SD4 of the Redcar and Cleveland Local Plan (Local Plan) (2018) which seeks to ensure that development provides suitable and safe vehicular access and parking suitable for its use and location.

Other matters

13. The appeal site is situated within 6km of the Teesmouth and Cleveland Coast Special Protection Area (SPA) and Ramsar Site. The SPA is a wetland of European Importance comprising of intertidal sand and mudflat, rocky shore, saltmarsh and mudflats which are of great importance to a diversity of bird species including its

breeding Little Tern, passage Sandwich Tern and Redshank and other wintering birds. Policy N4 of the Local Plan states that within 6km of the Teesmouth and Cleveland Coast SPA and Ramsar Site, proposals which would result in a net increase in residential units would be expected to contribute to strategic mitigation measures identified in the Recreation Management Plan (RMP) in order to avoid any adverse effects on the site's integrity. A Section 106 obligation in the form of a Unilateral Undertaking (UU) has been submitted to provide the required contribution to recreation management of £200 per dwelling.

14. The proposed dwellings would increase recreational pressure through increased visitors on the SPA and Ramsar Site and so I am satisfied that there is a need for the contribution to mitigate the impact of the development. The RMP sets out the detailed mitigation measures such as alternative greenspace and recreation management projects to which the money would contribute. Indicative costs are set out in the RMP, and the contributions are calculated per dwelling. I am, therefore, satisfied that the contribution is necessary to make the development acceptable; is directly related to the development and is fairly and reasonably related in scale and kind to the development.
15. Consequently, with the mitigation measures, I am satisfied that the proposal would not have an adverse effect on the conservation objectives of the SPA and Ramsar site.
16. The monitoring fee is calculated per dwelling and is reasonably necessary for the Council to monitor the implementation of the deed and is proportionate to the scale of the development.
17. Local residents on Easson Road raise concerns that the road is private, and the appellant has no right of access; however, this is a civil/legal matter and not a material planning consideration.
18. The proposal meets the required separation distances to neighbouring properties and so there would be no unacceptable loss of outlook or privacy or loss of light to neighbouring gardens.
19. Drainage would be directed to the main sewer and be appropriately controlled by the water authority.

Conditions

20. In addition to the standard time limit, I have imposed a condition specifying the relevant drawings as this provides certainty. In addition, I have attached conditions requiring details of the external materials, hard surface materials, and boundary walls and fences be submitted and approved in writing to the Local Planning Authority to ensure that the proposed development respects the character and appearance of the area in accordance with Policy SD4 of the Local Plan.

Conclusion

21. For the reason stated and taking all other matters into consideration the appeal is allowed.

Caroline Mulloy

Inspector

Schedule

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan (Reference 001 Rev B)
Proposed Plans and elevations (Reference 001 Rev 0)
Proposed site Plan (Reference 001 rev C)
- 3) Prior to any development above damp proof course details of the external materials to be used in the carrying out of this permission (including samples) shall have first been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.
- 4) Prior to the construction of the final surface treatment, for any hard surfaced areas, details of the materials to be used shall have first been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.
- 5) Prior to the first occupation of the development, hereby approved, boundary walls and fences shall have been erected in accordance with a scheme that has first been submitted to and agreed in writing with the Local Planning Authority. The boundary walls and fences shall thereafter be maintained unless the express consent of the Local Planning Authority is given.